

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

YING WAI WONG,

Defendant.

Case No. CR06-5668FDB

ORDER DENYING DEFENDANT
WONG'S MOTION TO
PARTICIPATE IN THE AUGUST 16,
2007 EVIDENTIARY HEARING

Defendant Ying Wai Wong moves to participate in the August 16, 2007 evidentiary hearing with respect to King Yin Peter Fong's sentencing. Wong seeks to participate in the evidentiary hearing, not the sentencing, arguing that many of the facts to be determined are the same facts that Wong expects will be at issue at his own sentencing. Alternatively, Wong suggests that if the Government concedes that Wong's involvement is only as described in Paragraphs 19-32 of the presentence report, then Wong will not have an interest in participating in the hearing.

The Government opposes the motion, arguing that Fed. R. Crim. P. 32 provides only for participation of the defendant, the attorneys for the government and for the defendant, and, in certain cases, the victim. Moreover, the Government points out that Wong, who plead guilty to misprision of a felony, did not plead guilty to the same indictment as Fong. The Government has no objection

1 to Wong's counsel' observing the sentencing, as she did in the case of Defendant Cheung.

2 The Court having considered the parties' arguments on this issue concludes that Defendant
3 Wong's request is not warranted under the circumstances, and will be denied.

4 NOW, THEREFORE, IT IS ORDERED: Defendant Wong's Motion to Participate in The
5 August 16, 2007 Evidentiary Hearing [Dkt. # 159] is DENIED.

6 DATED this 9th day of August, 2007.

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9 FRANKLIN D. BURGESS
10 UNITED STATES DISTRICT JUDGE
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